

### **REMARKS**

Claims 8-15 remain pending after amendment. Claims 9-12, 14 and 15 are withdrawn from consideration.

#### **Claim Amendments**

By this amendment, claims 8 and 13 are amended. No new matter is added by this amendment.

#### **Rejection under 35 USC 103(a)**

Claims 8 and 13 stand rejected under 35 USC 103(a) as being unpatentable over Masaki et al U.S. Patent No. 5,894,875 in view of Takahashi JP 11-334313. This rejection respectfully is traversed to the extent deemed to apply to the claims as amended.

The Masaki et al patent is directed to a pneumatic radial tire comprising a belt layer and a carcass layer having a tread portion. The belt layer is comprised of steel cords having a lateral flat cross-section arranged around an outer periphery of the tread portion of the carcass layer so that the diameter direction of the steel cords follows the planar direction of the belt layer. The patent teaches that a cap ply may be comprised of an organic fiber cord such as a polyester fiber cord, an

aromatic polyamide fiber cord, a rayon fiber cord, a polybenzobisoxazole fiber cord, and a PET fiber cord.

The Examiner acknowledges the failure of the reference to teach the use of a polyketone fiber in the cap or band ply. This deficiency is sought to be cured by the Examiner by reliance upon the additionally-cited Takahashi reference.

Takahashi teaches that an aliphatic polyketone fiber may be used in a carcass ply layer. However, Takahashi fails to suggest the use of a polyketone fiber in a band ply in the manner claimed by applicants. Instead, taking Takahashi's preferred teachings into account, the obvious result would be to merely teach that the carcass ply of Masaki, as opposed to the band ply, may be formed from such fibers.

Further, applicants have presented comparative data which confirms that the use of an aliphatic polyketone enables highly desirable results to be achieved with respect to the high speed durability of the tire without an increase in cost (Table 1), together with an improvement in high speed durability, steering stability, ride comfort (Table 2).

In view of the above, it is believed that the rejection is without basis and should be withdrawn.

The application is now believed to be in condition for allowance and an early indication of same is earnestly solicited.

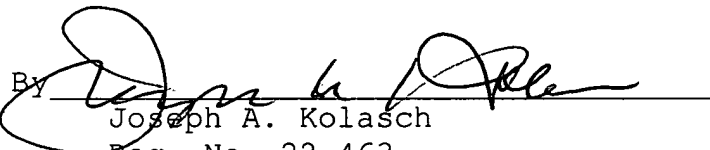
In the event that any outstanding matters remain in this application, applicants request that the Examiner contact James W. Hellwege (Reg. No. 28,808) at (703) 205-8000 to discuss such matters.


Applicant respectfully petitions under the provisions of 37 CFR 1.136(a) and 1.17 for a two-month extension of time in which to respond to the Examiner's Official Action. The Extension of Time fee in the amount of \$420.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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